

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



v

HARRISON GLOBAL

DECISION OF THE HEARING OFFICER

Appearances: Estela Matta Esq., Attorney for the Claimant

Nature of Dispute: RSA 275:43 I unpaid wages

Employer: Harrison Global
224 Calvary Street
Waltham, MA 02453

Date of Hearing: July 10, 2014 and August 20, 2014

Case No. 48075

BACKGROUND AND STATEMENT OF THE ISSUES

A Wage Claim was filed with the Department of Labor on May 1, 2014. The notice was sent to the employer and there was an objection. The objection was sent to the claimant and there was a request for a hearing. The Notice of Hearing was sent to both parties on July 21, 2014. The first date of hearing (July 10, 2014) and the hearing had to be continued because one of the witnesses was in an automobile accident. The hearing did take place on August 20, 2014. The claimant filed the Wage Claim for \$10,000.00 in unpaid wages.

The claimant testified that she worked for Royal Limousine until it was bought by Harrison Global in October of 2012. In January of 2013 the claimant said that Harrison Global stopped giving the drivers their billing trip sheets. The claimant felt that this action made it difficult for the drivers to determine their exact wages. The claimant said that she had to sign a new wage structure or be discharged. The claimant further stated that Harrison Global made it very difficult for an employee to review any wage records on-line.

The claimant stated that it was a lot easier to record time worked with the old company. One of the problems with the new company was that "down time", waiting for a client or a plane

schedule was the fact that they would not get paid for the waiting time. The claimant feels that the changes in policy from the previous employer and the inability to get on line and check records, has led to a loss in wages of \$10,000.00.

The employer testified that all billing sheets were available to the drivers. If a driver did not have e-mail then a hard copy was provided to the driver. All pay stubs were also available, on-line, from the payroll company. These pay stubs can be printed out if the employee so desires. The employer submitted almost 200 exhibits to show the record keeping of the employer.

The employer did state that certain systems changed when Harrison Global bought Regal Limousine. The employer stated that if an employee did not have a direct deposit for wages, the company would issue a pay card. The employer also stated that they had undergone a recent audit by the United States Department of Labor and there was an adjustment to the employee's base rate.

The employer maintains that all wages have been paid in accordance with the policies in place.

FINDINGS OF FACT

RSA 275:43 I Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer and at no cost to the employee.

This is the section of the law that mandates an employer to pay an employee all wages due at the time the wages are due and owing.

It is the finding of the Hearing Officer, based on the written submissions and the testimony presented for the hearing, that the Wage Claim is invalid. The claimant has the burden to show that there are wages due and owing and she did not meet this burden.

The claimant did not show where wages were due. The employer had a new set of procedures for the employees to work under and it appears that this was not an easy adjustment for the claimant.

The employer provided multiple records that record time worked and also various pay check formats. It is not found that these records were not available to the claimant upon request and review of the files. The employer was also credible in their testimony that they were audited by the Federal Government and suggested changes were made.

The Hearing Officer does not find that the claimant was forced to sign a wage plan. New Hampshire is a "free-will" State and an employee can leave employment at any time and for any reason.

The claimant did not produce any testimony or records to show where the \$10,000.00 was due in wages. The Wage Claim is invalid.

DECISION

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Department finds the claimant failed to prove by a preponderance of the evidence that she was not paid all wages due, it is hereby ruled that the Wage Claim is invalid.

Thomas F. Hardiman
Hearing Officer

Date of Decision: October 13, 2014

TFH/slh